UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,036	02/09/2001	Ron Kalian	722-X01-004	8407

27317 7590 04/18/2005		EXAMINER
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ART UNIT	PAPER NUMBER
2661	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/780,036	KALIAN ET AL.
	Examiner	Art Unit	
	Ian N Moore	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 November 2004</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>7-12</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>7-12</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All   b) ☐ Some * c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Acknowledgment is made of applicant's submission of a certified copy of the

foreign priority **0003054.4.**

2.   The objections to the drawings are withdrawn since it is being amended

accordingly. However, new FIG. 4 and 5 are objected as set forth below.

3.   An objection to the specification is withdrawn since they are being amended

accordingly.

4.   Claim rejection under 35 USC § 112 first and second paragraphs, on claims 1-6

are withdrawn since the specification is amended and the claims are cancelled

accordingly.

5.   Claims 1-6 are canceled, and new claims 7-12 are added,

6.   Claims 7-12 are rejected by the new ground(s) of rejection necessitated by the

amendment.

Specification

7.   The amendment filed 11-23-2004 is objected to under 35 U.S.C. 132 because it

introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment

shall introduce new matter into the disclosure of the invention. The added material

which is not supported by the original disclosure is as follows: **FIG. 4 and FIG. 5. Note**

that new FIG. 4 and FIG. 5 do not correspond or describe any disclosure in the

specification. In particular, the paragraphs on page 5, does not reflect the new

FIG. 4 and FIG. 5.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

8. Claim 8 is objected to because of the following informalities: claim 8 recites the

method steps, which starts from step "g". Since claim 8 is an independent claim, it is

suggested to renumber the step form step "a". Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 7-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. New **claim 7**, recites, " c) **dividing the audio**

data into data packets" in line 6, and new **claim 8**, recites, "l) **dividing the audio data**

into data packets" in line 4. None of these new limitations are disclosed in the original

disclosure.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 7,8,11, and 12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Zarros (U.S. 5,682,384) in view of Teng (U.S. 5,930,473).

Regarding claim 7, Zarros discloses a method of synchronizing the replay of

audio data comprising the steps of:

a) establishing a network of computers (see col. 19, lines 46; a computer

network) of one another (see col. 19, lines 45-47),

b) sending audio data from a source station (see FIG. 2, Sender sending

voice (or video) packets; see col. 2, lines 47-48) to the computer (see FIG. 2,

receiver),

c) dividing the audio data into data packets (see FIG. 2, voice (or video)

packets; see col. 2, lines 47-48; see col. 1, lines 5-16; see col. 4, lines 59-65);

d) setting out the data packets from the source station to respective

destinations station in the network of computers at substantially the same time (see

col. 2, lines 40-54; note that a real-time packet (i.e. voice or video) sends to the

receiver at the considerably/substantially at the same time);

e) wherein said data packets take travel times to reach the respective

destination stations (see FIG. 1 and see col. 5, lines 1-5; note that time period of the

packet is generated at the sender and attached to packet in form of sequence number) having a random distribution over a range of times (see FIG. 1, a sequence is number is randomly nominal distributed over time, (i.e. sequence number 2-6 and 8-10); see col. 4, lines 55 to col. 5, lines 15);

f) determining the point in time when a data packet would arrive if had taken the average travel duration (see col. 19, lines 53-57; see col. 61-67; note that a reference/average time of a packet (t_{refn}) from source/sender is determined/estimated, and the reference of a packet is the time that the packet would arrive at the receiver), and providing a delay (see col. 19, lines 53-54; a zeta time, t_{zn}) between the time each packet is sent and its replay (see col. 19, lines 53-54; a zeta time between sender and receiver), the delay being adapted such that it corresponds to a time duration (see col. 19, lines 53-54; a zeta time) correlated to said point in time (col. 19, lines 51-58; t_{zn} time during is adapted so that it corresponds to reference time, $t_{zn} = t_{refn} + X$).

Zarros'384 does not explicitly disclose within earshot and sending to the network of computer. However, Teng teaches a) establishing a network of computers (see FIG. 1, clients 14-1 to 14-5) within earshot of one another (see FIG. 1, clients 14-1 to 14-5 are reside on the same LAN 13 within earshot of one another (i.e. same room, same office, etc.); see col.

b) sending audio data from a source station (see FIG. 1, Video Server 12) to the network of computers (see FIG. 1, clients 14-1 to 14-5. col. 5, lines 35 to col. 6, lines 21; note that server broadcasts the video data packets to clients 14).

Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to provide a video server re-broadcasting and

integrating the video data packets to the clients who are in the earshot of one

another, as taught by Teng in the system of Zarros, so that it would support a wide

variety of live full motion video application as well as integrating live video

distribution and prevent the overload in the network since the server controls all

transmission and request; see Teng col. 3, line 5-65.

Regarding claim 8, Zarros discloses a method of synchronizing the replay of

audio data comprising the steps of:

g) establishing a network of computers (see col. 19, lines 46; a computer

network) of one another (see col. 19, lines 45-47),

h) sending audio data from a source station (see FIG. 2, Sender sending

voice (or video) packets; see col. 2, lines 47-48) to the computer (see FIG. 2,

receiver),

i) dividing the audio data into data packets (see FIG. 2, voice (or video)

packets; see col. 2, lines 47-48; see col. 1, lines 5-16; see col. 4, lines 59-65);

j) setting out the data packets from the source station to respective

destinations station in the network of computers at substantially the same time (see

col. 2, lines 40-54; note that a real-time packet (i.e. voice or video) sends to the

receiver at the considerably/substantially at the same time);

k) wherein said data packets take travel times to reach the respective

destination stations (see FIG. 1 and see col. 5, lines 1-5; note that time period of the

packet is generated at the sender and attached to packet in form of sequence

number) having a random distribution over a range of times (see FIG. 1, a sequence

is number is randomly nominal distributed over time, (i.e. sequence number 2-6 and

8-10); see col. 4, lines 55 to col. 5, lines 15);

l) determining the point in time when a data packet would arrive if had taken

the minimum travel duration (see col. 19, lines 53-57; see col. 61-67; note that a

reference/average time of a packet (t_{refn}) from source/sender is

determined/estimated, and the reference of a packet is the time that the packet

would arrive at the receiver), and providing a delay (see col. 19, lines 53-54; a zeta

time, t_{zn}) between the time each packet is sent and its replay (see col. 19, lines 53-

54; a zeta time between sender and receiver), the delay being adapted such that it

corresponds to a time duration (see col. 19, lines 53-54; a zeta time) correlated to

said point in time (col. 19, lines 51-58; t_{zn} time during is adapted so that it

corresponds to reference time, $t_{zn} = t_{refn} + X$).

Zarros does not explicitly disclose within earshot and sending to the network

of computer. However, Teng teaches a) establishing a network of computers (see

FIG. 1, clients 14-1 to 14-5) within earshot of one another (see FIG. 1, clients 14-1 to

14-5 are reside on the same LAN 13 within earshot of one another (i.e. same room,

same office, etc.); see col.

b) sending audio data from a source station (see FIG. 1, Video Server 12) to

the network of computers (see FIG. 1, clients 14-1 to 14-5. col. 5, lines 35 to col. 6,

lines 21; note that server broadcasts the video data packets to clients 14).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a video server re-broadcasting and integrating the video data packets to the clients who are in the earshot of one another, as taught by Teng in the system of Zarros, so that it would support a wide variety of live full motion video application as well as integrating live video distribution and prevent the overload in the network since the server controls all transmission and request; see Teng col. 3, line 5-65.

Regarding Claim 11, Zarros discloses the delay time is sufficiently long for several data packets to have arrived at the respective destination station before determining one of delay, average travel time and minimum travel time (see col. 2, lines 55-67; see col. 19, lines 10-40). Teng discloses destination stations as described above in claim 7, Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide destination clients/stations as taught by Teng in the system of Zarros, for the same motivation as stated above in claim 7.

Regarding Claim 12, the claim, which has substantially disclosed all the limitations of the respective claim 11. Therefore, it is subjected to the same rejection.

13.   Claim 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zarros in view of Teng as applied to claims 7 and 8 above, and further in view of Kumar (U.S. 6,269,080).

Regarding Claim 9, the combined system of Zarros and Teng discloses random distribution as described above in claim 7. Neither Zarros nor Teng explicitly

disclose a normal or Gussian distribution. However, utilizing a normal distribution is well known in the art of packet transmission. In particular, Kumar discloses a normal distribution (see col. 18, lines 9-13).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a normal or Gussian, as taught by Kumar and well established teaching in art, in the combined system of Zarros and Teng, so that it would address the problem of synchronization; see Kumar col. 3, lines 60 to col. 4, line 29; see col. 18, lines 5-35.

Regarding Claim 10, the claim, which has substantially disclosed all the limitations of the respective claim 8. Therefore, it is subjected to the same rejection.

Response to Arguments

14.   Applicant's arguments with respect to claims 7-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

16.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ian N Moore whose telephone number is 571-272-3085.

The examiner can normally be reached on M-F: 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chau T Nguyen can be reached on 571-272-3126. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

INM
4/4/05

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PRIMARY EXAMINER